

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	8:04CR171
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
ALEJANDRO CORTES,	)	
	)	
Defendant.	)	

This matter is before the court on the motion for an extension of time by defendant Alejandro Cortes (Cortes) (Filing No. 69). Cortes seeks until March 9, 2007, in which to file pretrial motions in accordance with the progression order (Filing No. 64). Cortes has submitted an affidavit wherein Cortes consents to the motion and acknowledges that he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 70). Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Defendant Cortes's motion for an extension of time (Filing No. 69) is granted. Defendant Cortes is given until **on or before March 9, 2007**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 9, 2007 and March 9, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 10:00 a.m. on February 16, 2007, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 9th day of February, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge